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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/777,303 | 02/12/2004 | Donald D. McIntosh | 15826-109001 / II-03-002 | 5305 |
| 26231 | 7590 | 07/13/2005 | EXAMINER | |
| FISH & RICHARDSON P.C. 1717 MAIN STREET SUITE 5000 DALLAS, TX 75201 | | | SUN, XIUQIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2863 | |

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

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|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/777,303 | Applicant(s) MCINTOSH ET AL. | |
| | Examiner Xiuqin Sun | Art Unit 2863 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/14/04 & 11/04/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 8-10, 13, 14 and 16-27 and 29-41 and 45-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Faries et al. (U.S. Pub. No. 20040247016).

As to claim 1, Faries et al. teach a gauge system comprising: an electronic instrument including at least one programmable feature and at least one access module restricting access to the at least one programmable feature (section 0131, lines 6-16 and lines 19-29); and an instrument-pass operable with the access module, wherein the access module is responsive to the instrument-pass to allow and to restrict access to the at least one programmable feature (section 0131, lines 6-16 and lines 19-29).

As to claims 8-10, 13, 14 and 16-24, Faries et al. further teach: a first transceiver coupled to the electronic gauge (section 0132); a workstation (Fig. 14, #1009); and a second transceiver coupled to the workstation, wherein the first transceiver is operable to transmit to the second transceiver the access to the at least one programmable feature (section 0132); wherein the first and second transceivers communicate using

Art Unit: 2863

digital communication technology (Fig. 14, #1011); wherein the digital communication technology is packet-based communication (section 0132); wherein the first and second transceivers communicate using radio frequency transponders (section 0263); wherein the first and second transceivers communicate via an wireline link (section 0263); wherein the workstation is operable to receive information from the electronic gauge via the first and second transceivers (sections 0131, 0132 and 0263); wherein the workstation is operable to transmit information to the electronic gauge via the first and second transceivers (sections 0131, 0132 and 0263); further comprising a network, wherein the workstation is coupled to the network, the workstation operable to transmit and receive information via the network (sections 0131, 0132 and 0263); wherein the network comprises a local area network (Fig. 14, #1011); wherein the network comprises a wide area network (Fig. 14, #1011); wherein the network comprises a portion of the Internet (Fig. 14, #1011); wherein the network comprises an optical network (Fig. 14, #1011); further comprising a server, wherein the server is operable to transmit and receive information from the workstation (sections 0131, 0132 and 0263); a workstation access module operable with the instrument-pass key, wherein the workstation access module provides access to the programmable features of the electronic gauge (section 0132).

As to claim 25, Faries et al. teach a method of providing security for a gauge comprising: detecting the presence of an instrument-pass (section 0131); and if the instrument-pass satisfies predetermined access criteria, allowing access to at least one programmable feature of the gauge (section 0131).

As to claims 26, 27 and 29-34, the teaching of Faries et al. further includes: entering a code to allow access to the at least one programmable feature of the gauge (section 0131); entering the code is performed before the instrument-pass can be detected (section 0131); the instrument-pass is detected at the gauge (section 0131); transmitting the presence of the instrument-pass to a remote transceiver (section 0132); detecting the transmitted presence of the instrument-pass by a workstation coupled to the remote transceiver (sections 0132 and 0134); allowing access to the at least one programmable feature of the gauge from the workstation (sections 0132 and 0134); the instrument-pass is detected at a workstation remote from the gauge (Fig. 15; section 0134); detecting the instrument-pass allows access to the at least one programmable feature of the gauge from the workstation (Fig. 15; section 0134).

As to claim 35, Faries et al. teach a method of providing security for a gauge comprising: reading information from an instrument-pass (section 0131); determining if the read information satisfies predetermined access criteria (section 0131); and selectively allowing and denying access to at least one programmable feature of the gauge based on the determination of whether the read information satisfies predetermined access criteria (section 0131, lines 24-29).

As to claims 36-39, the teaching of Faries et al. further includes: determining if the read information requires additional input (section 0131, lines 24-29); prompting for the additional input (section 0131, lines 24-29); and reading the additional input, wherein reading the additional input selectively allows and denies access to the at least one programmable feature of the gauge based on the determination that the additional

input satisfies predetermined access criteria (section 0131, lines 24-29); the additional input is a personal identification number (section 0131, lines 24-29); reading information from an instrument-pass comprises accessing programmed material stored in the instrument-pass, the programmed material corresponding to a predetermined access level (section 0131); the determination of whether the read information satisfies the predetermined access criteria comprises comparing the access level of the programmed material with the predetermined access criteria (section 0131, lines 24-29).

As to claim 40, Faries et al. teach a gauge system comprising: an electronic diagnostic gauge including access module for restricting access to the electronic gauge (sections 0130 and 0131); a first instrument-pass, wherein the access module is responsive to the first instrument-pass to allow a first level of access to the electronic gauge (section 0131, lines 19-21); and a second instrument-pass, wherein the access module is responsive to the second instrument-pass to allow a second level of access to the electronic gauge and (section 0131, lines 24-29).

As to claim 41, Faries et al. teach a gauge system comprising: an instrument-pass including access information (section 0131); and an electronic instrument including an access module responsive to the instrument-pass to allow or deny access to at least one programmable feature of the gauge based on the access information (section 0131).

As to claim 45, Faries et al. teach a gauge management system comprising: an instrument-pass (section 0131); an entry module operable to control access to an instrument (Fig. 14; section 0131); an input/output device (Fig. 14); and a function

module operable to manipulate programmable features of the instrument, wherein the entry module allows access to the gauge upon receiving a predefined access criteria from the instrument-pass, and wherein the function module manipulates the programmable features of the instrument based on input from the input/output device (Figs. 14 and 15; sections 0131-0134).

As to claims 46-50, the teaching of Faries et al. further includes: a storage module operable to store access information in a database (sections 0071, 0076, 0110 and 0122); the storage module is further operable to retrieve information from the database (sections 0071, 0076, 0110 and 0122); the entry module and function module are programmed into the gauge (Figs. 14 and 15; sections 0131-0134); a workstation, wherein the entry module and function module are programmed into the workstation, the workstation coupled to the gauge and adaptable to receive the predefined access criteria from the instrument-pass (Fig. 14; section 0131); a first transceiver coupled to the gauge (Fig. 15; section 0134); and a second transceiver coupled to the workstation (Fig. 15; section 0134); wherein the first and second transceivers are operable to communicate the access criteria and the input of the input/output device between the gauge and the workstation (Fig. 15; sections 0131, 0132 and 0134).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faries et al. in view of Dearing et al. (U.S. Pub. No. 20050127177).

Faries et al. teach the system that includes the subject matter discussed above. Faries et al. do not mention explicitly: the access module and the instrument-pass comprises a radio frequency identification device system; the access module comprises a radio frequency transponder; the access module comprises an infrared detector and the instrument-pass is an infrared transmitter; the access module comprises a reader selected from the group consisting of a bar code reader and a magnetic strip reader; the access information comprises a predetermined radio frequency; the access module comprises a reader; and the access module comprises a detector.

Dearing et al. teach a password control method and system, including an access module and an instrument-pass (section 0005), wherein: the access module and the instrument-pass comprises a radio frequency identification device system (sections 0005 and 0041; section 0047, lines 1-5 and section 0056, lines 1-16); the access module comprises a radio frequency transponder (sections 0005 and 0041; section 0047, lines 1-5 and section 0056, lines 1-16); the access module comprises an infrared detector and the instrument-pass is an infrared transmitter (sections 0005 and 0041; section 0047, lines 1-5 and section 0056, lines 1-16); the access module comprises a reader selected from the group consisting of a bar code reader and a magnetic strip reader (sections 0005 and 0041; section 0047, lines 1-5 and section 0056, lines 1-16); the access information comprises a predetermined radio frequency (sections 0005 and

0041; section 0047, lines 1-5 and section 0056, lines 1-16); the access module comprises a reader (sections 0005 and 0041; section 0047, lines 1-5 and section 0056, lines 1-16); the access module comprises a detector (sections 0005 and 0041; section 0047, lines 1-5 and section 0056, lines 1-16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Dearing et al. in the invention of Faries et al. in order to provide the electronic instrument with pass-code control mechanisms that can support various type of users (Dearing et al., section 0005). The merely application of known techniques to specific instances is obvious.

5. Claims 6, 7 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faries et al. in view of Gauthey et al. (U.S. Pub. No. 20040113819).

Faries et al. teach the system that includes the subject matter discussed above. Faries et al. do not mention explicitly: the access module includes a physical device connection, and wherein the instrument-pass includes an encapsulated electronic component to activate the access module; the encapsulated electronic component is a resistor; and detecting the instrument-pass is performed before the step of entering the code.

Gauthey et al. teach a method and system related to the input of security code, including: an access module includes a physical device connection, and wherein the instrument-pass includes an encapsulated electronic component to activate the access module (sections 0003 and 0024-0026); the encapsulated electronic component is a

resistor (sections 0003 and 0024-0026); and detecting the instrument-pass is performed before the step of entering the code (sections 0003 and 0024-0026).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Gauthey et al. in the invention of Faries et al. in order to provide a security code control system that can be used for an access interface such as a touch screen of an electronic instrument (Gauthey et al., Abstract). The merely application of known techniques to specific instances is obvious.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faries et al. in view of Phillips et al. (U.S. Pub. No. 20040151168).

Faries et al. teach the system that includes the subject matter discussed above. Faries et al. do not mention explicitly: the digital communication technology is asynchronous transfer mode; and the first and second transceivers communicate using analog communication technology.

Phillips et al. teach a configurable network interface device and system and methods for its use, including: digital communication technology that has asynchronous transfer mode (section 0068); and first and second transceivers communicate remotely using analog communication technology (section 0026).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Phillips et al. in the invention of Faries et al. in order to provide a communication mechanism that is capable of receiving a plurality of sets of telecommunication information and distributing at least one of the plurality to a customer premises (Phillips et al., Abstract).

Prior Art Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Villicana et al. (U. S. Pub. No. 20040061624) is entitled "Utility power meter".

2) Fulcher et al. (U. S. Pat. No. 6715673) is entitled "Automated fee collection and parking ticket dispensing machine".

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

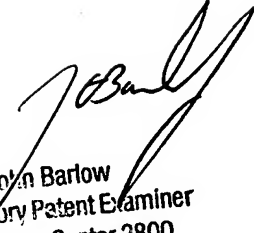
Application/Control Number: 10/777,303
Art Unit: 2863

Page 11

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XS
July 8, 2005

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